

FILED

MAY 27 2005

Hearings Unit, OIC
Patricia D. Petersen
Chief Hearing OfficerOffice of Insurance Commissioner
Hearings Unit
P O Box 40255
Olympia, WA 98504-0255

May 25, 2005

Re: Case # D 04-224
Garry R BrownAttn: Wendy Galloway,
Admin Assistant
& Patricia Peterson,
Chief Hearing Officer

Under RCW 34.05.470, I am advising the OIC that I am refiling a Request for Reconsideration of the Final Order in the above listed case entered by Hearings Officer Patricia Peterson.

I believe that there has been a miscarriage of justice in this case. The state has an obligation beyond arguing their case to being truthful and accurate. They have an obligation to truth and accuracy beyond mere assumption.

The OIC original order revoking license was issued on Oct 7, and in the hearing of Nov 2004, I specifically asked the hearing officer, Patricia Peterson if this represented the entirety of the OIC case, and further, if their case would be limited to these three instances. I was assured that that was true. The OIC then issued an amended order on Dec 10, 2004 adding three additional instances. The points described occurred in Aug 2004, and Sept 2004. I submit that the OIC was fully aware of these issues in Oct and Nov and held them out for the purpose of surprise. I submit that if they were not included in the original order that they have no right to be included later.

Further I submit that instances 1, and 2, are moot. The company in question, Safeco, has reinstated the policy for Nadya Flynn. Had they done so in a timely manner, none of those violations would even have occurred. I submit that this entire order is a response to Safeco's effort to cover their mistake by removing the agent involved. I request discovery of all communication, including notes, memos, and recorded conversations, from Safeco and OIC regarding this case.

Hearing officer Peterson indicated that the hearing would be somewhat informal, with all parties being allowed to present their case, but when I attempted to question the accuracy of OIC claims regarding the status of the license for BGI Network Inc to write insurance for the Hartford Insurance Group, I was not allowed to proceed. I was informed, after the fact, that we were now in rebuttle testimony, and I was allowed to question only investigator Coombs, and only as to his recent testimony.

I have been mocked and belittled by the OIC and its representatives ever since Sept 2004 when this process began in earnest. I believe that the OIC originally did not plan to give an Order to Revoke, and that it was instigated, and spurred, by Safeco. I request discovery on the communications in OIC regarding this case between Investigator Cooms, his superior Mike Huske, and Staff Atty John Hamje.

Hearings officer Peterson described my defense, in her order, while "credible", as "inclined to blame others", and specifically mentioned my description of Mrs Scotton as "an hysterical woman".

I submit that the OIC did not research point 6 at all. Had they notified me, as is their usual procedure, about this complaint, I could have advised them of it's total falsehood. It could have, and should have, been handled completely outside of this hearing. I submit, once again, and I will prove with documentation, that Ms Scotton's entire testimony is a lie, from start to finish. That she did not pay cash, and that I therefore could not have pocketed it. That there is a receipt for her payment, by check. That BGI Network Inc, by its current and/or any previous names, has had a contract to write insurance for the Hartford Group, and its subsidiaries, for well over ten years. That they certainly had one in Sept 2004. That I have a contract to write as a subproducer for BGI Network Inc, going back to at least July 2004. That, as a result, I was legally able to write Ms Scotton's policy. And that, if there are any legal errors in the standing, or procedures, of BGI Network Inc, or the Hartford Insurance Group as to their ability to write auto insurance in the State of Washington, these matters should be taken up with them, and do not properly reside in this matter regarding the license of Garry Brown. That no intentional negligence was ever caused Ms Scotton by me or my agency, that the only harm was an unintentional delay in paperwork processing, and I will prove that the correction of an clerical mistake by my office was caught prior to Ms Scotton's threat to go to the police.

All of the above charges regarding Ms Scotton were entered into the record by Officer Peterson, and are listed in the Final Order as if they were true and accurate. They are not, and the reliance of the OIC as proof, on a web site whose accuracy has not been verified, and whose mere existence goes back only a short time, is inexcusable. Certainly I blamed others, in at least this case, as it holds no credibility whatsoever.

I submit that under point 4., that at no time did the OIC give my agency a specific time line to correct what they describe as a violation of RCW 48.30.140. I further submit that no violation of RCW 48.30.140 actually occurred. At no time have I ever conducted false or misleading advertising for insurance. No advertising has ever gone out without Garry Brown Insurance on it, which was my legal DBA at the time. Occasional inclusions of Safe Harbor, which did not occur every time, were for future name branding purposes, and at no time was the public ever mislead or confused about who was writing their insurance. At no time did the OIC ever indicate that problems in this area were severe enough to warrant revocation of my insurance license. I submit that this point, along with others, was included solely to attempt to "beef up" their case. I submit that the OIC has a duty to truthfulness that is greater than their desire to "win a case".

I submit that my efforts to conform to the OIC's Order regarding agency name were difficult and costly, and that their full ramifications, in costs and taxes, have not yet been felt. I submit that the OIC's characterization that this was an easy and simple choice and activity to totally change how we do business is inaccurate and simplistic at best, and continues to be an example of the disdainful, abusive, and professionally inappropriate approach they have taken toward my agency. They are in no position whatsoever to know how easy it may have been, and in no position to comment on it, especially for the record.

As required under RCW 43.05.470 I am listing the above specific grounds for reconsideration of the Final Order. I believe that the Final Order should be changed, and so petition for a reconsideration of the Final Order.

Sincerely,



Garry Brown